

that no member of the miners' union should be allowed to live in that district?"

"No, sir, I never heard of any such orders."

"Didn't you help carry out the order that all miners must be able to show a card from the Mine Owners' Association or leave the district?"

"No, I never heard of any such order."

"But you were made marshal of Victor because of your well known hatred of the Western Federation of Miners?"

"No, sir, I don't think so. I had no hatred for the federation."

"But you carried out the policy of the Mine Owners' Association?"

"I did what I thought was right."

Mr. Richardson asked if Major Naylor didn't order the militia to be in readiness for immediate action on the night before the independence depot was blown up.

The witness said he did not and that as a matter of fact the militia was not in the field at that time. It had been ordered thirty or forty days before that though there was one local company at Victor. This question was due to a desire on the part of the defense to get a basis for the charge that the independence depot was blown up by the Mine Owners' Association to throw the blame on the federation.

SCHEME OF THE DEFENSE HAD.

Major Naylor hit the scheme a hard rap by saying that one member of the local company of the militia was actually killed in the explosion and that two others were badly hurt.

"Well," said Richardson, "so you couldn't find any excuse for riding yourself of the Western Federation of Miners?"

"I don't know as we wanted to at that time," said the Major. "Everything was very quiet."

He didn't know of any agreement between the Government and the Mine Owners' Association about putting troops in the field and he never took any orders from that association while he was in the militia. He was asked about the mules that were taken to the union stores in Cripple Creek, Victor and elsewhere, but he said that he knew nothing about that as the troops had all gone home long before that happened. Speaking of the deportations, Lawrence Richardson asked:

"Did you ever wear one of those 'they can't come back' buttons?"

The Major never did.

"Ever wear one of those 'unimpeachable citizens' buttons?" put in Mr. Borah.

"He doesn't need one," said Mr. Borah.

"There are others who do," retorted Senator Borah.

The witness told of seeing the wreck of the independence station about two hours after it was blown up. He said he saw a wire leading from the wreck up to the track a way. At the far end of the wire was a chair hung around which his fire was wound. This backed up that feature of Orchard's story which described the method by which Steve Adams was killed. He said, "I don't know as I saw it, but I saw the wreck of the station."

DIGGING UP THE PEABODY BOMB.

W. H. Schlemberg, the big jawed fireman who dug the Peabody bomb out of the Cripple Creek mine, was next on the stand. He said that he was working on the ice of the river just at the rear of the fire house on March 15, 1906, when he saw a light through which some refuse could be dumped into the river when his axe struck something that was frozen into the ice. He hit it with his axe and it came out. It was a bomb. He identified the bomb case exhibited as the thing that he discovered. He said that he took it into the fire house. It looked queer to him and was pretty well filled with some stuff that he could not make out. He told Sheriff Sutherland and a deputy came and took the thing away in a gunnysack.

"You weren't out looking for what you found, were you?" asked Lawyer Richardson.

"Not with a fire axe," said the fireman.

Everybody laughed, for the leaden box the fireman found contained enough dynamite to have wrecked a six story building if it had not been frozen.

Sheriff Sutherland, whose record shows him to be about five feet, four inches of unimpeachable pluck, said he found the box and found that it contained about twenty-five or thirty pounds of dynamite. He gave the dynamite away to mining prospectors and later took the leaden box down to Denver to the Pinkerton office.

Here the case was shown to Charles T. Roach, a plumber who had a shop at 163 Court place in 1904 and 1905. Roach took the stand and said that in May, 1905, a man came into his shop and told him he wanted him to make a kind of a lead bucket, nine inches in diameter and twelve inches high.

"I asked him what it was for," said the plumber, "and he said it was for a cactus plant in it. So I went ahead and made it. I wasn't there when it was delivered, and I would not be able to identify the man who brought it." Roach identified the case.

MISS PEABODY A NERVOUS WITNESS.

Gov. Peabody and his daughter, who were in court, heard this testimony with a good deal of interest, and a moment later Miss Peabody took the stand. She is a pretty girl and quite the most nervous witness of the trial.

In answer to Senator Borah's question she said that early in 1904 one night she and her mother and sister went to the theatre. When they arrived home at about 11 o'clock and got out of the carriage she saw a man standing very near by.

"He was so close," she said, "that I could almost have touched him, and there was another standing by him. I saw them both walk up to the porch, and the men began to walk away. We stood there and watched them, and the two men passed into the carriage and drove away. Then they ran down Grant avenue. We went into the house and called up a detective office and told them what we had seen."

Miss Peabody said that she couldn't identify either of the men she had seen.

On cross-examination she developed an extremely bad memory. She couldn't tell what the play was she had seen or what month of the year it was or whether she was wearing winter or summer clothes. There didn't seem to be any way in which she could fix the time of this occurrence any nearer than to say that it was sometime between the first of January and the last of May.

"Were you made colonel of the National Guard?" Mr. Richardson asked her.

"No," said the witness, "that was my sister."

"Then you are not a Colonel?"

"No, sir."

"That's all," said the lawyer and the witness fled with the speed of a frightened bird.

PEABODY'S BRIEF TESTIMONY.

Gov. Peabody himself followed his daughter on the witness stand. His direct testimony was surprisingly brief.

He testified that he was in the Cripple Creek mine in May, 1905, that he knew Thomas Hogan or Harry Orchard, and remembered having seen him on the street at about that time. He also said that he was having his house repaired just then. Orchard had said that the reason he didn't kill the Governor at that time was because his intended victim gave up sitting by a certain window because he was having his house repaired. Most to everybody's surprise that ended the direct examination.

Counsel for the defense concluded at the noon intermission that they wouldn't cross-examine ex-Gov. Peabody. It had been expected that he would be asked many questions about the political conditions in Colorado at the time of the labor troubles.

A WITNESS WHO LIVED WITH ORCHARD.

One of the most interesting witnesses of the trial was next called by William J. Vaughn, now a conductor on the "Soer" railroad in Minnesota. He was the man who lived with Orchard in Canon City. While he was not brought out in his evidence, Vaughn is firmly convinced that the reason Orchard induced him to go to Canon City as an insurance canvasser was so that he could be with him in the machine, just then killed Peabody and could thus prove an alibi.

Vaughn told of hearing a clock tick in Orchard's grip and he asked Orchard what it was. Orchard put him off with some joking reply. Later Orchard had the clock out of the grip and demonstrated to the witness how it would be possible to use it in setting dynamite off in a mine.

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Still later, the witness said, Orchard said jokingly that he had a bubble in his grip that he intended to put under somebody "across the way."

Orchard once pointed out Gov. Peabody to the witness. He said that he was passing the Governor's house and Orchard referred to Mr. Peabody sitting at the window and said, "He reads there every night; that's Mr. Peabody."

On cross-examination the witness said that both he and Orchard worked hard at the life insurance game in Canon City but did not do any business. He said that when Orchard pointed out Mr. Peabody he became suspicious. "I thought he was in earnest and I thought he was laughing at me," said the witness. "I didn't think he was a gentleman."

Lawyer Richardson wanted to know when the prosecutor expected to finish his direct case and he was told that he'd better have his witness ready by next Wednesday. It is unlikely, however, that the State's case will be finished before Thursday at the earliest.

SEA-SICKNESS REMEDY FATAL.

Three Children Die of Spirits Given by a Steamer Mother.

On her way from the Mediterranean to this port the White Star liner *Celtic*, as is her custom, stopped at St. Michael's, to take on Portuguese immigrants and cabin passengers of other nationalities. She sailed from St. Michael's on June 7, running immediately into dirty weather. Most of the children of the steamer got very seasick the first day out from the Azores. Honorina Da Costa, aged 7; her younger brother, Agostina, and her smallest sister, Maria Josefa, were among the afflicted.

The mother had been in the habit on shore of giving them a tablespoonful of spirits, called by Surgeon McMaisters of the *Celtic* cayna and corresponding in alcoholic strength to the Russian vodka, when they had stomach or abdominal trouble. They had been very ill two days and were much weakened when the mother gave them the standard remedy.

The mothers of Maria Couto Amorin, 7 years of age, and Francesco Couto, aged 5, also gave their little ones some of the spirits. Honorina Da Costa and Maria Couto Amorin went into alcoholic coma and never came out of it. They were buried last Sunday night. Francesco Couto died on Monday morning and was buried in the evening. The other children recovered.

The mothers did not ask the advice of the ship's surgeon before administering the spirits.

Dr. McMaisters said it was the very worst thing imaginable to give alcohol to children who have been wrecked at sea from sea-sickness. Some grown seafaring passengers among the Portuguese were also affected by the spirits, which they took in larger quantity than the children.

THE 22D AT STATE CAMP.

Engineers Take the Places of Signal Corps and Batteries at Peekskill.

PEEKSKILL, N. Y., June 15.—The Twenty-second Regiment engineers, N. G. N. Y., came to the State camp to-day for seven days instruction. They left their armory in New York this morning and came by special train, arriving a little after noon.

Col. Walter B. Hotchin is in command of the Twenty-second and has with him a full complement of officers, an engineer and two companies of men. They are here with seventy-eight regulars from the engineers corps at West Point.

The regimental chaplain, the Rev. Richard Colwell, rector of St. John's Episcopal Church, Larchmont, is here and will hold services in the mess hall at 10:30 to-morrow morning. In the Y. M. C. A. tent in the evening J. G. Hallmond of New York will speak.

The first and second signal corps broke camp early this morning. The first, second and third regiments also got away early in the forenoon.

HOSPITAL SLEUTH ROBBED.

Night History Clerk at Bellevue Also Loses a Watch—Orderly Arrested.

John Hayden, house detective at Bellevue Hospital, reported to the police of the East Thirty-fifth street station yesterday that he had been robbed of \$17 in the hospital.

Hayden said that the money was taken from his clothes while he was in bed. Albert Steinman, the night history clerk, said that a gold watch had been taken from him at about the same time.

Detective Coulin of the East Thirty-fifth street station said that he had seen Hayden and Walter Hackett, who slept in an adjoining room, had left the hospital without leave the night before. He was seen later in Thirty-Two street, where he was arrested and arrested. The police say they have information that Hackett has knowledge of the missing property and may be able to throw some light on other reported robberies about the hospital.

FIRE SCARES HIM TO DEATH.

The Noise of the Engines Was Too Much for Blind Dan Hogan.

A fire started in a mattress on the third floor front of 55 Cherry street last night. John Carr and his wife Mary were in bed and John tumbled out of bed when he saw the fire. He tried to get up, but he and his wife both had their hands burned trying to put out the flames. The firemen did that quick enough.

On the same floor in the rear Blind Dan Hogan and his wife were awakened by the noise of the fire engines. Hogan, who is a neighborhood drunk, was frightened by the noise and ran out, and after his wife went for a glass of water at his request he fell dead. Hogan ran a sailor's boarding house until he became blind about twenty years ago.

TO HOSPITAL IN BUGH'S AUTO.

Police Deputy Sees Man Get Hurt and Does Not Wait for Ambulance.

Fred Smith, a bookbinder, was on his way to Coney Island last night when at Sixth street and the Bowery he stuck his head too far out of an open car. Smith's head hit an elevated railway pillar and he fell unconscious to the street. Deputy Police Commissioner Bugh was passing in his automobile and he picked up Smith and put him in the machine. Just then Policeman Bishop of the Fifth street station ran up and yelled:

"Hey, where you goin' with that man?"

Commissioner Bugh reached out and yanked the cop into the automobile, saying:

"To St. Vincent's Hospital; come along."

The cop went. Dr. Straus fixed up Smith's wound and the bookbinder went home.

FRANCE PICKS U. S. EXPERT

DR. WILEY TO INVESTIGATE WINE ADULTERATION.

Chief of Division of Chemistry in Department of Agriculture to Sail for Europe This Week—Has Served on Jury on French Wines—Secession of the Midi.

WASHINGTON, June 15.—Dr. Harvey W. Wiley, chief of the division of chemistry in the Agriculture Department, has been engaged by the French Government to make a scientific inquiry into the charge that French wines have been grossly adulterated. Dr. Wiley will sail for France next week.

The invitation to him from the French Government was the outcome of the agitation among the distressed wine growers and vineyard workers, several hundred thousand of whom are in an impoverished condition owing to the great falling off in the demand for French wines, which they attribute to gross adulteration practiced by manufacturers.

Dr. Wiley has a worldwide reputation as a chemist. He has made a specialty of food adulterations and has not hesitated to declare that certain brands of wines and liquors were adulterated. The pure food law recently enacted by Congress was due mainly to his efforts.

Dr. Wiley has had personal experience in France in connection with the examination of French wines. In the Paris Exposition of 1900 he was a member of the jury of awards in the wine competition. He is an honorary member of the French Société Alimentaire and was a delegate from the United States to the international congress of applied chemistry, held in Paris in 1900. Dr. Wiley expects to spend six weeks in France.

PARIS, June 15.—The condition of affairs presented in southern France to-day is one of the most extraordinary. It would be scarcely conceivable in any other country in the world. There is unqualified secession, almost secession, while with an irony which would be ridiculous if it were not pathetic the most active of these revolutionaries profess loyalty to the Republic.

A sinister force is too mild a characterization for the Midi performances. A whole section of France is in revolt. It has severed official communication with the central authority at Paris and under the leadership of an agitator has said to the Government, the Chamber of Deputies and the country alike:

"We'll run our own affairs and have nothing to do with you unless you enable us to live by wine growing."

That is the present situation in a nutshell.

It matters not how from varied points of view one may say that generally these fits of agitation in France are farcical. This time the spectacle produced is remarkable and unprecedented and may be serious.

Both the Government and the Chamber realize the Midi's distress. Both are desirous of ameliorating the condition but the difficulties in the way are enormous. Regional interest must be reconciled if legislation is to accomplish amelioration and the Midi insists that amelioration must come in that way. Americans would turn their fields to other tillage. The grandiose, simple, medieval, almost patriarchal Meridional will not think they are unable to think—such a practical, modern, progressive amendment of their habits of life.

The Government, which is Premier Clemenceau, has not tried to shift the responsibility upon the Chamber. The Chamber is grateful and is quite willing to leave the Government a free hand so long as possible. In the meantime the anomalous situation of four departments repudiating governmental authority, boycotting Paris and obeying local dictators intensifies itself and complicates affairs of general administration to the point of dangerous absurdity.

Northern France is industrious, thrifty and progressive. Southern France is improvident and joyous in its spendthrift exuberance of natural abundance. Premier Clemenceau's dilatory policy is due to his knowledge of the Meridional character. He is himself a Southerner, representing the Midi's neighbor, Var. He hopes to persuade the Meridional to lay the logic of common sense, but he talks to men who have been unable to pay the bills for the erection of buildings for eighteen months who temperamentally are capable to-day of arousing themselves in emotional enthusiasm to a modern crusade or to follow a prophet to the point of fanaticism.

Not to precipitate such a catastrophe and at the same time to preserve the integrity of the country's central authority are the tasks before the Government which presses more urgently every day. Nobody knows at present whether a rational solution will be found to restore calm or whether an upheaval will follow the Midi's tremendous economic demonstration.

The Government has retired the Colonel of the 10th Regiment owing to a breach of discipline which occurred at Narbonne on June 9. Several other officers have been transferred for the same cause. The regiment will not return to Narbonne.

Indiscipline is also reported in the Twelfth Line Regiment at Perpignan. Some of the men sang the "Internationale" as a protest against continued confinement in the barracks owing to labor meetings.

The Procureur-General of Montpellier has been summoned to Paris for consultation in regard to the Midi situation. His report will decide whether the Government will take action against the ringleaders.

The committee of the official of the committee at Argeliers, published this evening a reply to M. Clemenceau assuring him that if he guarantees that the laws, new and old, will be resolutely carried out calmness will be restored at once. The committee, however, explained later that this reply was premature and had been published by mistake.

The Government's anti-fraud wine bill will reach the articles dealing with the sugar tax on Monday. The Northern and Midi Deputies met to-day to try to reach an agreement. The Northern Deputies are willing to pay an increased tax on raw sugar if the tax on refined is reduced. The Midi Deputies would not agree to this. The point in question may wreck the bill.

LORD GRANVILLE GORDON DEAD.

Correspondent in His Cousin's Divorce Suit Against American Wife.

Special Cable Dispatch to THE SUN.

LONDON, June 15.—Lord Granville Gordon died to-day on board a P. & O. liner between Suez and Aden. His death recalls the sensational divorce case of four years ago wherein he was named as correspondent by his cousin, Eric Gordon, and in which the respondent was before her marriage to Eric Mrs. Fred Cole of Minnesota nee Miss Jennie Humble.

After the divorce the married Lord Granville Gordon caused a sensation by smuggling her little daughter out of the legal custody of her former husband by taking her to France on a specially chartered tug. The child was dressed at the time as a boy.

ART WONDERS DISCOVERED.

Book and Bust of Historic Interest Reported to Academy of Inscriptions.

Special Cable Dispatch to THE SUN.

PARIS, June 15.—The Academy of Inscriptions has learned of the discovery of two rare works, a book and a bust.

The book, which has been acquired by J. Pierpont Morgan, is a magnificent pontifical or book of ceremonies conducted by a Bishop executed about 1500 by order of Cardinal Giuliano della Rovere, afterward Pope Julius II. It is ornamented with many miniatures, the most beautiful having been painted by the celebrated Francesco Dai Libri of Verona and his son, Girolamo.

The bust is that of the Emperor John Paleologus VIII., made during his residence at the Council of Florence in 1439 by Averlino, the maker of the famous bronze doors of St. Peter's. This was discovered a few weeks ago in the museum of the Propaganda. It is said to be the most ancient bust portrait known whose exact date can be fixed.

PATRIOTIC ARSON.

German Town Finds Cheap Way to Rebuild Itself Into Beauty.

Special Cable Dispatch to THE SUN.

BERLIN, June 15.—The German town of Siebenlehn is now the scene of a criminal trial presenting a feeling of civic patriotism blended with greed that has seldom been paralleled.

It seems that many private houses and other buildings in the town are being rebuilt in order to improve the appearance of the streets. The buildings are fully insured and are then marked down for gradual destruction by fire.

The town firemen, who are now on trial for incendiary, alleged that the Mayor himself indicated the buildings to be fired in their order. If the fire brigades came from neighboring places they always found that their hose and engines came to grief.

When the owners of the buildings destroyed by fire drew their insurance money a cheerful feast was held, at which the fire brigades members were guests, and a percentage of the spoils was divided with them. The trial has been in progress several days and is not yet finished.

ACAJUTLA RAID CLAIM.

English Railroad Manager Says It Was Made Under Nicaraguan Flag.

Special Cable Dispatch to THE SUN.

SAN SALVADOR, June 15.—According to the manager of the English railroad company, he has officially entered complaint to his Government concerning recent depredations by Nicaraguan troops. He says that the Nicaraguan gumbot Momotombo, with the flag of that republic flying at her masthead, appeared off Acajutla, Salvador, and seizing tugs and launches owned by the company landed 800 troops.

On June 11 the soldiers went to Sonsonate by train, but they were unable to carry out their filibustering plans at that town owing to the presence there of a considerable body of Salvadoran soldiers, who opened fire and compelled the marauders to retreat.

The next day about noon the raiders disembarked after looting a number of stores at Acajutla and steamed away, taking one of the company's steam launches and three large rowboats with them.

"RAFFLES" IN GALIC STYLE.

American Play Has Novel Features for Parisians and for Americans Likewise.

Special Cable Dispatch to THE SUN.

PARIS, June 15.—An American play was chosen to open the summer season in Paris at Réjane's Theatre. "Raffles" had its premiere there to-night. Mme. Réjane was present, but she does not take any part in the play.

The audience, which was chiefly French, received the production kindly and approvingly. "Raffles" is a novelty in more than one sense to Paris theatre-goers, in that it presents to them a play whose theme is not adultery.

The French adapters make a curious use of what they choose to regard as two American habits, whistling and hand-shaking. Everybody shakes hands in the play, even at the breakfast table, and whistles at every opportunity, to the great mystification and amusement of the American auditors.

PUZZLED KINGS AND QUEENS.

American Card Conjurer Has Two Hours' Seance at Buckingham Palace.

Special Cable Dispatch to THE SUN.

LONDON, June 15.—A signal honor was paid this week to Nate Leipzig, an American card magician, who was the only performer summoned to Buckingham Palace to entertain the Danish royal family.

Leipzig completely mystified the Kings and Queens of England and Denmark, the Prince and Princess of Wales, the Duke and Duchess of Cornwall and others, who reportedly demanded more until Leipzig's exhibition instead of concluding in half an hour, as originally scheduled, lasted for over two hours.

MANILA GRAFT CHARGE FALS.

Codetendant With Captain Fred Cole Is Acquitted.

Special Cable Dispatch to THE SUN.

MANILA, June 15.—The court has acquitted Thornton, a codetendant with Capt. Fred Cole of the Quartermaster's Department, who is charged with irregularities concerning furniture supplies.

It is believed that the case will not be placed on trial, as the prosecution has only the same evidence which was used against Thornton.

NEW CHINESE REVOLT.

Ten Thousand Men Creating Disturbances in Province of Hunan.

Special Cable Dispatch to THE SUN.

SHANGHAI, June 15.—Ten thousand rebels have assembled in the province of Hunan and are creating disturbances. Government troops are being assembled at Chang-sha to suppress the disorder.

Yuan Shih Kai has been restored to imperial favor and has been reappointed to the command of the northern force.

Widespread South American Quake.

Special Cable Dispatch to THE SUN.

LIMA, Peru, June 15.—The earthquake on Thursday morning was felt from Petorca, Chile, to Villarica, Paraguay, and to the Neuguen River in Argentina, and was accompanied by atmospheric electric phenomena.

French Trouble Makers Sentenced.

Special Cable Dispatch to THE SUN.

PARIS, June 15.—Marcel and Vyetot, leaders of the General Confederation of Labor, who were accused of having incited violence during the recent dockers' strike at Nantes, were to-day condemned to one year and four years imprisonment respectively.

Gould Governors Has Wonderful Voice.

Special Cable Dispatch to THE SUN.

COPENHAGEN, June 15.—Frances Simms, a young American woman who was formerly a governess in the Gould family, is now here studying singing under the famous teacher Signus Miskow, who declares she has a voice of rare beauty.

WASHINGTON ENDS ALTON DEAL

BROAD HINT TO ROCK ISLAND THAT IT WAS ILLEGAL.

Rock Island Parties Were Not Sorry to Have Another Reason for Breaking Off the Agreement with Harriman, but Would Have Stuck to It But for the Hint.

According to a Rock Island director a broad hint from Washington that the Harriman-Rock Island agreement providing for air-rail control of the Chicago and Alton Railroad was regarded as illegal led to the abrogation of the agreement. The word which came from Washington, according to this man, plainly intimated that if the agreement was not broken voluntarily some action would be brought by the Government to annul it.

The Harriman lawyers held that the agreement did not infringe on the Sherman anti-trust law, but the Rock Island people, it is said, stood out firmly against any deal with the Federal authorities. No one denies that the Rock Island people saw a good opportunity to make the best of a bad deal and break away from the Harriman alliance, but it was said positively yesterday that the Rock Island party would have stood by the agreement until 1914 were it not for the intimation from Washington.

It is practically certain that Harriman will make no contest for the control of the property at the annual meeting in October.

The announcement made on Friday that the Union Pacific and the Rock Island parties had agreed to leave the question of control with the floating stockholders is regarded in Wall Street merely as a polite "letdown" for Harriman. Wall Street ciphered it out yesterday that the Rock Island lacks control of the Alton by less than 4,000 shares, and there is no doubt that men interested in the Rock Island have sufficient additional stock to insure a majority interest.

WASHINGTON, June 15.—Opinions vary among authorities here as to what was the action of the Union Pacific and the Rock Island Railroad companies in abrogating the agreement whereby they exercised joint control over the Chicago and Alton will have on the determination of the Government, reached a week or so ago at White House, to break up, under the provisions of the anti-trust act, the combination that was alleged to be an unreasonable restraint upon interstate trade.

Two interpretations are put upon the action of yesterday. The first is that it forebodes a bitter fight between Moore Brothers and E. H. Harriman; and, secondly, that the abrogation of the Union Pacific and Rock Island control over the Alton was purely a bluff.

Among certain officials here the position is maintained that while the agreement of the Union Pacific and the Rock Island to joint control of the Alton was clearly a violation of the provisions of the Sherman anti-trust act, no useful purpose would be served by insisting that the agreement be annulled. It is argued that it is all that was sought to be accomplished in the suit in course of preparation.